

PROGRAM OFFICE ASSESSMENTS OF CRGR ACTIVITIES BETWEEN JUNE 1, 2004, AND MAY 31, 2005

DISCUSSION

In accordance with Revision 7 of its Charter, effective November 18, 1999, the mission of the Committee to Review Generic Requirements (CRGR) is to ensure that new or revised generic requirements that the U.S. Nuclear Regulatory Commission (NRC) proposes to impose on agency-licensed power reactor and nuclear materials licensees are appropriately justified based on the backfit provisions of applicable NRC regulations and the Commission's backfit policy. As such, the primary responsibilities of the CRGR are to (1) recommend to NRC's Executive Director for Operations (EDO) either approval or disapproval of the staff's proposals for new or revised generic requirements and (2) assist NRC's program offices in implementing the Commission's backfit policy on nuclear power reactors and materials facilities.

To evaluate its effectiveness in terms of the value added by the Committee's reviews, the CRGR considered the significance of the issues raised and the associated costs, as measured by staff efforts and resources expended to address the issues, as well as any associated schedule impacts. This evaluation was accomplished through the CRGR's self-assessment of its activities and by soliciting input from the program offices that sponsored the actions that the CRGR reviewed during this assessment period.

The CRGR Chairman also considered the adequacy and quality of incoming proposals when the program offices submitted them for formal review by the Committee. In doing so, the CRGR Chairman did not reject any proposals during this assessment period.

Criteria for Program Office Assessment of the CRGR

In a memorandum dated June 27, 2005, the CRGR Chairman invited the program office directors to assess the value added by CRGR reviews of proposals sponsored by their respective offices. Specifically, the CRGR Chairman asked the program office directors to consider the following four criteria to evaluate the CRGR's effectiveness:

- (1) Value added by the CRGR review (e.g., improvement in the quality of the product from the standpoint of underlying safety concerns and backfit considerations; completeness; and consistency with the Commission's policies, rules, and regulations)
- (2) Staff efforts expended in addressing the CRGR's comments and recommendations, *excluding* the time required for concurrence by the program office and the Office of the General Counsel (OGC)
- (3) Schedule impact, if any
- (4) Significance of the issues and associated costs, in terms of overall impact on schedules and resources

The program offices addressed these four criteria in the responses associated with their respective staff proposals. In general, the offices indicated that the CRGR reviews were beneficial and added value to the products without significantly impacting staff schedules or resources. The offices also stated that the CRGR's comments and recommendations improved their proposals by helping the staff to focus on the underlying safety concerns, identifying implicit backfits, enhancing the quality of the final products, and ensuring that the products were consistent with the Commission's policies, rules, and regulations.

The following sections summarize the highlights of the CRGR assessments provided by the NRC's Offices of Nuclear Reactor Regulation (NRR), Enforcement (OE), and Nuclear Security and Incident Response (NSIR)¹:

NRR Overall Assessment

(1) Value added by the CRGR review (e.g., improvement in the quality of the product from the standpoint of underlying safety concerns and backfit considerations; completeness; and consistency with the Commission's policies, rules, and regulations)

The staff stated that, the comments and recommendations of the CRGR members improved the quality of the generic letter by identifying areas that could be modified or strengthened to clarify the intent, action, and information requests contained in the submitted packages. One significant area identified in a regulatory guide by the CRGR was the existing coordination issue with other ongoing probabilistic risk assessment and security requirements. Specifically the need to align the Probabilistic Risk Assessment (PRA) terminology with the 10 CFR 50.69, draft PRA rule 10 CFR 50.46(a) and address the safety/security interface when making risk-informed changes.

(2) Staff efforts expended in addressing CRGR comments and recommendations, *excluding* the time required for concurrence by the program office and OGC

The staff efforts to address the CRGR comments and recommendations were minimal.

(3) Schedule impact, if any

The staff indicated that a rule package would have been issued approximately 1 month earlier if a CRGR review had been required. For another rule package, the staff estimated that the CRGR review of the submitted package added less than 2 weeks. However, staff states regarding the other three packages reviewed, that the review did not impact the schedule for preparing and issuing the documents.

¹ The Office of Nuclear Regulatory Research and the Office of Nuclear Material Safety and Safeguards did not sponsor any issues for CRGR review during this assessment period.

(4) Significance of the issues and associated costs, in terms of overall impact on schedules and resources

The staff indicated that the CRGR did not identify any issue that significantly impacted the schedule or resources associated with issuing the final product. In one instance, the staff stated that the CRGR added significant value by questioning the role of regulatory guidance in matters related to the safety/security interface and consistency among risk-informed rules within the agency. They also stated that the questions of specific CRGR members were insightful and helped the staff refine and improve various documents. The resolution of the CRGR's questions had no impact on resources beyond the impact resulting from the preparation for the CRGR review. However, staff stated that for one topic in CRGR Meeting No. 397, they required approximately 60 hours of staff time to submit the rule package to CRGR.

NSIR Overall Assessment

(1) Value added by the CRGR review (e.g., improvement in the quality of the product from the standpoint of underlying safety concerns and backfit considerations; completeness; and consistency with the Commission's policies, rules, and regulations)

The staff indicated that CRGR review contributed significant value in terms of the quality of their product. Through the processes employed by the staff to prepare for CRGR review, (specifically the development of the CRGR responses to Appendix C of the CRGR Charter and the additional senior management meetings held in advance of the CRGR review meeting to validate the responses), a high level of attention to the bulletin was maintained, and they were better able to ensure that the bulletin was consistent with the scope and objectives of this type of generic communication.

Of the nine recommendations in CRGR Meeting No. 401, adopted by the staff, only one recommendation was subsequently removed at the Commission level prior to issue (there was a reference to an NEI white paper that provided similar information to licensees).

(2) Staff efforts expended in addressing CRGR comments and recommendations, *excluding* the time required for concurrence by the program office and OGC

Staff stated that modifications to address the comments from the CRGR required approximately 16 person hours to complete; however, 2 days following the meeting, the staff received additional editorial comments from several individual members. The staff indicated that addressing these editorial comments added approximately 2 days to the bulletin schedule and another 32 person hours. Additionally, they stated, that the document control process for handling the CRGR-reviewed bulletin caused a delay of approximately 2 days and 8 person hours. The staff requested a written process for handling this step in the future, to eliminate this schedule lag.

(3) Schedule impact, if any

The staff also indicated that preparation effort for the CRGR review was estimated at approximately 120 person hours and included generation of the CRGR review package document, preparation of presentation material, and pre-review meetings to review documents used in the review.

An aggressive 45-day target was given to the generation of this bulletin. The bulletin was provided to the Commission for 47 days following the May 4, 2005, SRM authorization to proceed with the bulletin. The staff requested and received an expedited review by CRGR. There was no significant impact to schedule adherence from responding to and preparing for CRGR reviews.

(4) Significance of the issues and associated costs, in terms of overall impact on schedules and resources

Staff states that the CRGR review process provided an overall benefit. Specifically, this high-level, focused, and standardized review process ensures that generic information issued by NRC maintains a high level of quality. Approximately 180 person hours for CRGR preparation and response were incurred. Approximately 4 days were added to address secondary (editorial) comments and document control issues.

OE Overall Assessment

(1) Value added by the CRGR review (e.g., improvement in the quality of the product from the standpoint of underlying safety concerns and backfit considerations; completeness; and consistency with the Commission's policies, rules, and regulations)

Although the staff did not believe that there were any backfit issues to address and there was a need for a formal CRGR review, they conceded that a modest value was added by the CRGR review. Value was added in that, during preparation for the review, the OE staff ensured that the intent of the document and expectations of licensees in response to the document were clear. The benefits of issuing the document outweighed any potential costs, and the document did not communicate that the practices in the guidance were required.

Staff also believes that the endorsement by the CRGR will likely add credibility to the document when it is issued and will further address concerns regarding NRC's intended use of the document.

(2) Staff efforts expended in addressing CRGR comments and recommendations, *excluding* the time required for OGC and program office concurrence

Staff did not indicate how much effort was expended in addressing the CRGR comments and recommendations.

(3) Schedule impact, if any

Staff indicated that two members of the OE staff dedicated a total of approximately 1 month of time preparing for the CRGR review.

(4) Significance of the issues and associated costs, in terms of overall impact on schedules and resources

Staff used approximately 1 month of time preparing for the CRGR review and received, in return, three statements in the guidance document that could be clarified, one editorial revision, and a recommendation that communications with the inspection staff be complete before issuing the RIS.